

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-01716-RC**

DILLON v. U.S. DEPARTMENT OF JUSTICE  
Assigned to: Judge Rudolph Contreras  
Demand: \$0  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/23/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****KENNETH J. DILLON**

represented by **Scott Allan Hodes**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

represented by **Benton Gregory Peterson**  
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**TERMINATED: 02/14/2019**  
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| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 08/23/2017 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-5086122) filed by KENNETH J. DILLON. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Hodes, Scott) (Entered: 08/23/2017) |
| 08/23/2017 |          | Case Assigned to Judge Rudolph Contreras. (md) (Entered: 08/24/2017)  |
| 08/24/2017 | <u>2</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 08/24/2017)  |
| 09/14/2017 | <u>3</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/29/2017.   |

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|            |           | Answer due for ALL FEDERAL DEFENDANTS by 9/28/2017. (Hodes, Scott) (Entered: 09/14/2017)   |
| 09/14/2017 | <u>4</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/29/2017. (Hodes, Scott) (Entered: 09/14/2017)  |
| 09/14/2017 | <u>5</u>  | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 8/29/2017 (Hodes, Scott) (Entered: 09/14/2017)   |
| 10/03/2017 | <u>6</u>  | Consent MOTION for Extension of Time to File Answer by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 10/03/2017)   |
| 10/03/2017 |           | MINUTE ORDER granting <u>6</u> Consent Motion for Extension of Time: It is hereby ORDERED that Defendant shall file an answer to Plaintiff's Complaint on or before November 28, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 10/3/2017. (lcrc3) (Entered: 10/03/2017)   |
| 11/28/2017 | <u>7</u>  | ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Peterson, Benton) (Entered: 11/28/2017)   |
| 11/28/2017 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and jointly submit a proposed briefing schedule on or before December 12, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 11/28/2017. (lcrc3) (Entered: 11/28/2017)   |
| 11/29/2017 |           | Set/Reset Deadlines: Proposed Briefing Schedule due by 12/12/2017 (tj) (Entered: 11/29/2017)   |
| 12/12/2017 | <u>8</u>  | Joint STATUS REPORT by KENNETH J. DILLON. (Hodes, Scott) (Entered: 12/12/2017)   |
| 12/12/2017 |           | MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before December 21, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 12/12/2017. (lcrc3) (Entered: 12/12/2017)  |
| 12/12/2017 | <u>9</u>  | Joint MOTION for Extension of Time by KENNETH J. DILLON, U.S. DEPARTMENT OF JUSTICE. (See Docket Entry <u>8</u> to view document). (znmw) (Entered: 12/13/2017)  |
| 12/13/2017 |           | Set/Reset Deadlines: Status Report due by 12/21/2017 (tj) (Entered: 12/13/2017)  |
| 12/21/2017 | <u>10</u> | Joint STATUS REPORT by KENNETH J. DILLON. (Hodes, Scott) (Entered: 12/21/2017)   |
| 12/21/2017 |           | MINUTE ORDER: Upon consideration of <u>10</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report, including a proposed schedule for moving forward with this matter, on January 30, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 12/21/2017. (lcrc3) (Entered: 12/21/2017)   |
| 12/21/2017 | <u>11</u> | MOTION for Extension of Time by KENNETH J. DILLON. (See Docket Entry <u>10</u> to view document) (jf) (Entered: 12/26/2017)  |
| 12/22/2017 |           | Set/Reset Deadlines: Status Report due by 1/30/2018 (tj) (Entered: 12/22/2017)   |
| 01/30/2018 | <u>12</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Peterson, Benton) (Entered: 01/30/2018)  |
| 01/30/2018 |           | MINUTE ORDER: Upon consideration of <u>12</u> the parties' Joint Status Report, it is hereby ORDERED that the parties submit a joint status report on or before March 6, 2018 providing an update on the status of the matter and stating whether briefing will be necessary and, if so, proposing a schedule. SO ORDERED. Signed by Judge Rudolph Contreras on 1/30/2018. (lcrc3) (Entered: 01/30/2018) |
| 01/31/2018 |           | Set/Reset Deadlines: Status Report due by 2/6/2018 (tj) (Entered: 01/31/2018)  |

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| 03/06/2018 | <u>13</u> | Joint STATUS REPORT by KENNETH J. DILLON. (Hodes, Scott) (Entered: 03/06/2018)   |
| 03/07/2018 |           | MINUTE ORDER: Upon consideration of <u>13</u> the parties' Joint Status Report, it is hereby ORDERED that Defendant's motion for summary judgment shall be filed on or before June 15, 2018; Plaintiff's cross-motion for summary judgment and opposition to Defendant's motion for summary judgment shall be filed on or before July 16, 2018; Defendant's opposition to the cross-motion and reply in support of its own motion shall be filed on or before August 6, 2018; and Plaintiff's reply in support of his cross-motion shall be filed on or before August 27, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on 3/7/2018. (lcrc3) (Entered: 03/07/2018) |
| 03/08/2018 |           | Set/Reset Deadlines: Cross Motions due by 7/16/2018. Response to Cross Motions due by 8/6/2018. Reply to Cross Motions due by 8/27/2018. Summary Judgment motions due by 6/15/2018. Response to Motion for Summary Judgment due by 7/16/2018. Reply to Motion for Summary Judgment due by 8/6/2018. (tj) (Entered: 03/08/2018)   |
| 06/15/2018 | <u>14</u> | MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit Exhibits A – N to Declaration, # <u>4</u> Exhibit Exhibits O – FF to Declaration)(Peterson, Benton) (Entered: 06/15/2018)  |
| 07/16/2018 | <u>15</u> | Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by KENNETH J. DILLON. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(Hodes, Scott) (Entered: 07/16/2018)   |
| 07/16/2018 | <u>16</u> | Cross MOTION for Summary Judgment by KENNETH J. DILLON (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(Hodes, Scott) (Entered: 07/16/2018)   |
| 07/19/2018 | <u>17</u> | Unopposed MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 07/19/2018)   |
| 07/19/2018 |           | MINUTE ORDER granting <u>17</u> Defendant's Unopposed Motion for Extension of Time: It is hereby ORDERED that Defendant shall file its opposition to Plaintiff's cross-motion for summary judgment and reply in support of its motion for summary judgment on or before September 12, 2018; and Plaintiff shall file his reply on or before September 26, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on July 19, 2018. (lcrc3) (Entered: 07/19/2018)  |
| 07/20/2018 |           | Set/Reset Deadlines: Response to Cross Motions due by 9/12/2018. Reply to Cross Motions due by 9/26/2018. Reply to Motion for Summary Judgment due by 9/12/2018. (tj) (Entered: 07/20/2018)  |
| 09/12/2018 | <u>18</u> | Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts)(Peterson, Benton) (Entered: 09/12/2018)   |
| 09/12/2018 | <u>19</u> | REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts)(Peterson, Benton) (Entered: 09/12/2018)   |
| 09/13/2018 | <u>20</u> | NOTICE of Filing Second Declaration of Hardy by U.S. DEPARTMENT OF JUSTICE re <u>19</u> Reply to opposition to Motion (Attachments: # <u>1</u> Declaration Second Hardy)(Peterson, Benton) (Entered: 09/13/2018)   |
| 09/26/2018 | <u>21</u> | REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by KENNETH J. DILLON. (Hodes, Scott) (Entered: 09/26/2018)  |
| 09/26/2018 | <u>22</u> | ENTERED IN ERROR....Memorandum in opposition re <u>14</u> MOTION for Summary Judgment filed by KENNETH J. DILLON. (See Docket Entry <u>21</u> to view document) (tth) Modified on 10/1/2018 (znmw). (Entered: 10/01/2018)  |
| 10/01/2018 |           | NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry 22 Memorandum in Opposition was entered in error and will not be refiled. (znmw) (Entered: 10/01/2018)  |

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| 11/19/2018 | <u>23</u> | Consent MOTION for Leave to File <i>Surreply</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Exhibit, # <u>2</u> Declaration)(Peterson, Benton) (Entered: 11/19/2018)  |
| 11/26/2018 |           | MINUTE ORDER Granting <u>23</u> Defendant's Consent Motion for Leave to File <i>Surreply</i> : It is hereby ORDERED that Defendant's Motion for Leave to File a <i>Surreply</i> to <u>21</u> Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Summary Judgment is GRANTED. It is FURTHER ORDERED that Defendant's <i>Surreply</i> attached to Defendant's Motion is deemed filed as of November 19, 2018. SO ORDERED. Signed by Judge Rudolph Contreras on November 26, 2018. (lcrc3) (Entered: 11/26/2018)  |
| 11/26/2018 | <u>25</u> | SURREPLY to <u>16</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (tth) Modified filed date on 11/29/2018 (znmw). (Entered: 11/27/2018)  |
| 11/27/2018 | <u>24</u> | RESPONSE re <u>25</u> <i>Surreply</i> filed by KENNETH J. DILLON. (Hodes, Scott) Modified link on 11/29/2018 (znmw). (Entered: 11/27/2018)  |
| 01/17/2019 | <u>26</u> | ORDER denying <u>14</u> Defendant's Motion for Summary Judgment and denying <u>16</u> Plaintiff's Motion for Summary Judgment: See document for details. Signed by Judge Rudolph Contreras on January 17, 2019. (lcrc2) (Entered: 01/17/2019)   |
| 01/17/2019 | <u>27</u> | MEMORANDUM OPINION denying <u>14</u> Defendant's Motion for Summary Judgment and denying <u>16</u> Plaintiff's Motion for Summary Judgment: See document for details. Signed by Judge Rudolph Contreras on January 17, 2019. (lcrc2) (Entered: 01/17/2019)  |
| 02/14/2019 | <u>28</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Christopher Charles Hair on behalf of U.S. DEPARTMENT OF JUSTICE Substituting for attorney Benton Peterson (Hair, Christopher) (Entered: 02/14/2019)   |
| 02/14/2019 | <u>29</u> | Consent MOTION for Extension of Time to <i>Submit Documents for In Camera Review</i> by U.S. DEPARTMENT OF JUSTICE (Hair, Christopher) (Entered: 02/14/2019)  |
| 02/19/2019 | <u>30</u> | Memorandum in opposition to re <u>29</u> Consent MOTION for Extension of Time to <i>Submit Documents for In Camera Review</i> filed by KENNETH J. DILLON. (Hodes, Scott) (Entered: 02/19/2019)  |
| 02/19/2019 | <u>31</u> | REPLY to opposition to motion re <u>29</u> Consent MOTION for Extension of Time to <i>Submit Documents for In Camera Review</i> filed by U.S. DEPARTMENT OF JUSTICE. (Hair, Christopher) (Entered: 02/19/2019)  |
| 02/19/2019 |           | MINUTE ORDER granting <u>29</u> Motion for Extension of Time: It is hereby ORDERED that the motion is GRANTED. Defendant will have until March 20, 2019 to (1) produce the documents for <i>in camera</i> review and (2) file its notice explaining why Defendant did not release the three emails purportedly sent to Mara Linscott that Plaintiff identified in his February 2018 letter to government counsel. Plaintiff may then file a response to Defendant's notice by April 10, 2019. SO ORDERED. Signed by Judge Rudolph Contreras on February 19, 2019. (lcrc2) (Entered: 02/19/2019) |
| 03/20/2019 | <u>32</u> | NOTICE of <i>Submission of Documents for In Camera Review and Explanation of Additional Search Efforts</i> by U.S. DEPARTMENT OF JUSTICE re <u>26</u> Order on Motion for Summary Judgment, (Attachments: # <u>1</u> Declaration of David M. Hardy)(Hair, Christopher) (Entered: 03/20/2019)  |